

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF TEXAS; TEXAS HEALTH AND
HUMAN SERVICES COMMISSION,

Plaintiffs,

V.

XAVIER BECERRA, in his official capacity as Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHIQUITA BROOKS-LASURE, in her official capacity as Administrator of the Centers for Medicare & Medicaid Services; MEENA SESHAMANI, in her official capacity as Deputy Administrator and Director of Center for Medicare; DANIEL TSAI, in his official capacity as Deputy Administrator and Director of Medicaid and CHIP Services; THE CENTERS FOR MEDICARE & MEDICAID SERVICES; JOSEPH R. BIDEN, in his official capacity as President of the United States; UNITED STATES OF AMERICA;

Defendants.

Case No. 2:21-CV-00229-Z

PLAINTIFFS' NOTICE TO THE COURT OF FIFTH CIRCUIT STAY PROCEEDINGS

As it is relevant to the Court’s forthcoming decision on Defendants’ motion to stay proceedings, Texas advises the Court that the federal defendants in *Louisiana v. Becerra*, in which a federal district court in Louisiana issued a nationwide injunction of the CMS Vaccine Mandate, have appealed that decision and filed an emergency motion for stay pending appeal with the Fifth Circuit. *Louisiana v. Becerra*, No. 21-30734. According to their notice of filing, the federal

defendants have requested that the Fifth Circuit rule on their emergency motion for stay by Monday, December 6. A copy of the stay motion is attached. Should the Fifth Circuit grant any relief that would allow the CMS Vaccine Mandate to take effect in Texas, Texas will immediately inform the Court. Texas continues to request that the Court deny Defendants' motion to stay proceedings.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document and all attachments were filed via CM/ECF, causing electronic service on all counsel of record.

/s/ Beth Klusmann
BETH KLUSMANN